

ASSEMBLY BILL

No. 2799

Introduced by Committee on Jobs, Economic Development, and the Economy (V. Manuel Perez (Chair), Logue (Vice Chair), Beall, Bill Berryhill, Block, and Salas)

March 25, 2010

An act to add the heading of Chapter 1 (commencing with Section 99500) to Title 20 of, to add Chapter 2 (commencing with Section 99600), Chapter 3 (commencing with Section 99700), and Chapter 4 (commencing with Section 99800) to Title 20 of, to repeal Section 99803 of, to repeal Chapter 4 (commencing with Section 6300) of Division 7 of Title 1 of, and to repeal Chapter 8 (commencing with Section 8700) and Chapter 8.1 (commencing with Section 8710) of Division 1 of Title 2 of, the Government Code, relating to international relations.

LEGISLATIVE COUNSEL’S DIGEST

AB 2799, as introduced, Committee on Jobs, Economic Development, and the Economy. International relations.

Existing law authorizes any public corporation, as defined, and specified private corporations to apply for the privilege of establishing, operating, and maintaining a foreign trade zone in accordance with federal law, and provides that any public or private corporation whose application is granted pursuant to federal law is authorized to establish, operate, and maintain a foreign trade zone, subject to specified conditions.

Existing law establishes the Office of California-Mexico Affairs to serve as a clearinghouse for information and assistance to other state

agencies involved with Mexico, and to develop favorable relations with Mexico.

Existing law establishes the California-Mexico Border Relations Council to consist of specified state officials. The duties of the council include, among other things, coordinating activities of state agencies that are related to cross-border programs, initiatives, projects, and partnerships that exist within state government. The council is required to annually submit a report on its activities to the Legislature.

This bill would recodify and reorganize the above provisions. The bill would also repeal the council reporting requirement on January 1, 2015.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 4 (commencing with Section 6300) of
2 Division 7 of Title 1 of the Government Code is repealed.

3 SEC. 2. Chapter 8 (commencing with Section 8700) of Division
4 1 of Title 2 of the Government Code is repealed.

5 SEC. 3. Chapter 8.1 (commencing with Section 8710) of
6 Division 1 of Title 2 of the Government Code is repealed.

7 SEC. 4. The heading of Chapter 1 (commencing with Section
8 99500) is added to Title 20 of the Government Code, to read:

9
10 CHAPTER 1. GENERAL PROVISIONS

11
12 SEC. 5. Chapter 2 (commencing with Section 99600) is added
13 to Title 20 of the Government Code, to read:

14
15 CHAPTER 2. FOREIGN TRADE ZONES

16
17 99600. As used in this chapter, “public corporation” means the
18 state, any political subdivision thereof, any incorporated
19 municipality therein, any public agency of the state, of any political
20 subdivision thereof, or of any municipality therein, or any corporate
21 municipal instrumentality of this state or of this state and one or
22 more other states.

23 99601. As used in this chapter, “act of Congress” means the
24 act of Congress approved June 18, 1934, entitled “An act to provide

1 for the establishment, operation, and maintenance of foreign-trade
2 zones in ports of entry of the United States, to expedite and
3 encourage foreign commerce, and for other purposes” (19 U.S.C.
4 Sec. 81a et seq.).

5 99602. Any public corporation may apply for the privilege of
6 establishing, operating, and maintaining a foreign trade zone in
7 accordance with the act of Congress.

8 99603. Any private corporation organized under the laws of
9 the state subsequent to September 15, 1935, for the purpose of
10 establishing, operating, and maintaining a foreign trade zone in
11 accordance with the act of Congress may apply for the privilege
12 of establishing, operating, and maintaining a foreign trade zone in
13 accordance with the act of Congress.

14 99604. Any public or private corporation authorized by this
15 chapter to apply for the privilege of establishing, operating, and
16 maintaining a foreign trade zone and whose application is granted
17 pursuant to the terms of the act of Congress may establish, operate,
18 and maintain a foreign trade zone:

19 (a) Subject to the conditions and restrictions of the act of
20 Congress, and any amendments thereto.

21 (b) Under these rules and regulations and for the period of time
22 that may be prescribed by the board established by the act of
23 Congress to carry out the provisions of the act.

24 99605. If authorized to establish, operate, and maintain a
25 foreign trade zone, a public corporation may, in addition to its
26 other powers:

27 (a) Provide for indemnity or assurance to the United States or
28 its agencies as they may request.

29 (b) Deposit these sums of money with the United States as the
30 United States or its agencies may request, providing these moneys
31 are available for that purpose by direct appropriation or otherwise.

32 SEC. 6. Chapter 3 (commencing with Section 99700) is added
33 to Title 20 of the Government Code, to read:

34
35 CHAPTER 3. OFFICE OF CALIFORNIA-MEXICO AFFAIRS
36

37 99700. The Legislature finds and declares the following:

38 (a) The United States and Mexican economies have become
39 increasingly integrated, particularly since the 1994 adoption of the
40 North American Free Trade Agreement, or NAFTA.

1 (b) This integration has brought both California and Mexico
2 opportunities and challenges in the areas of economic development,
3 labor relations, and environmental protection.

4 (c) The California Office of the Southwest Border Regional
5 Conference (formerly commission) was established as part of a
6 joint American border states effort to further and develop favorable
7 relations with the six Mexican border states.

8 (d) The efforts of the California office of the conference continue
9 to be an essential part of California's interaction with Mexico.

10 (e) It is important for the state and for the nation that state
11 agencies continue to address important United States-Mexico
12 issues.

13 (f) The Office of California-Mexico Affairs provides a focal
14 point in state government to serve as a clearinghouse for
15 information and assistance to other state agencies which are
16 involved with Mexico.

17 99701. The following definitions shall govern the construction
18 of this chapter:

19 (a) "Conference" means the Southwest Border Regional
20 Conference.

21 (b) "Office" means the Office of California-Mexico Affairs.

22 99702. (a) There is in state government an Office of
23 California-Mexico Affairs. Within this office the operations of the
24 California Office of the Southwest Border Regional Conference
25 shall be continued.

26 (b) The office succeeds to and is vested with all the duties,
27 powers, purposes, and responsibilities vested in the California
28 office of the conference and previously vested in the Commission
29 of the Californias.

30 (c) The office shall have possession and control of all records,
31 papers, offices, equipment, supplies, moneys, funds, appropriations,
32 land, and other property, real or personal, held for the benefit or
33 use of the California office of the conference, or previously held
34 for the benefit or use of the commission, in the performance of the
35 duties, powers, purposes, responsibilities, and jurisdiction of the
36 California office of the conference or the commission.

37 99703. The members of the Southwest Border Regional
38 Conference shall be the Governors of the four American border
39 states. The California member of the conference is the Governor
40 of California or his or her designee.

1 99704. The office shall further and develop favorable relations
2 with the State of Baja California, the State of Baja California Sur,
3 other Mexican states bordering on the United States, and the
4 remaining states and territories of the Republic of Mexico
5 necessary for the completion of the office's tasks. The office shall
6 cooperate with similar organizations and agencies situated within
7 California, the United States, or Mexico, to further economic
8 development, improve working conditions and living standards,
9 and foster the protection and improvement of the environment in
10 Mexico and California. The office shall avail itself of the services
11 of the San Diego State University, which is engaged in educational,
12 cultural, and research activities with Mexico. The office shall be
13 responsible for carrying out the ongoing responsibilities of the
14 Southwest Border Regional Conference.

15 99705. The Governor shall appoint a director of the office. The
16 director may appoint and employ any personnel whom he or she
17 deems necessary to carry out the functions of the office. The office
18 may incur all necessary expenses to effectuate its purposes and
19 may accept grants from federal and state agencies. The office may
20 also accept funds from private organizations or individuals in order
21 to assist it in the accomplishment of its functions as set forth in
22 this chapter.

23 99706. Members and employees of the office may travel outside
24 of California and may hold hearings and conduct investigations
25 within and outside of the state whenever necessary to carry out
26 the duties set forth in this chapter. Members and employees may
27 acquire any available information from any governmental agency
28 within the United States or Mexico necessary to the completion
29 of their tasks.

30 99707. The office shall be responsible for the establishment
31 of committees in those topic areas deemed necessary by the
32 director. Recommendations of the committees shall not be binding
33 on the Governor or the Legislature but shall only be advisory in
34 nature.

35 SEC. 7. Chapter 4 (commencing with Section 99800) is added
36 to Title 20 of the Government Code, to read:

37
38 CHAPTER 4. CALIFORNIA-MEXICO BORDER RELATIONS COUNCIL
39

40 99800. The following definitions shall apply to this chapter:

1 (a) “Border” means the line of demarcation between California
2 and Mexico.

3 (b) “Council” means the California-Mexico Border Relations
4 Council.

5 (c) “Public agency” means a city, county, city and county,
6 district, or the state or any agency or department of the state.

7 99801. (a) The California-Mexico Border Relations Council
8 is hereby established in state government. The council shall consist
9 of the Secretary of the Natural Resources Agency, the Secretary
10 for Environmental Protection, the Secretary of California Health
11 and Human Services, the Secretary of Business, Transportation
12 and Housing, the Secretary of Food and Agriculture, and the
13 Secretary of California Emergency Management.

14 (b) The Secretary for Environmental Protection shall chair the
15 council.

16 99802. The council shall do all of the following:

17 (a) Coordinate activities of state agencies that are related to
18 cross-border programs, initiatives, projects, and partnerships that
19 exist within state government, to improve the effectiveness of state
20 and local efforts that are of concern between California and
21 Mexico.

22 (b) Establish policies to coordinate the collection and sharing
23 of data related to cross-border issues between and among agencies.

24 (c) Identify and recommend to the Legislature changes in law
25 needed to achieve the goals of this section.

26 99803. (a) Beginning January 1, 2008, the council shall submit
27 a report to the Legislature on the council’s activities annually.

28 (b) (1) A report submitted pursuant to subdivision (a) shall be
29 submitted in compliance with Section 9795 of the Government
30 Code.

31 (2) Pursuant to Section 10231.5 of the Government Code, this
32 section is repealed on January 1, 2015.